

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ANTHONY BUTLER,

Plaintiff,

V.

JOSE ALBERTO CRUZ ADORNO,
CTS NATIONAL CORPORATION,
and ACE AMERICAN INSURANCE
COMPANY,

Defendants.

CIVIL ACTION FILE
NO.

NOTICE OF REMOVAL

COME NOW defendants and, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On April 29, 2021, plaintiff filed a complaint in the Superior Court of Peach County, Georgia, Civil Action No. 21-V-0168, which county is within the Macon Division of the Middle District of Georgia.

2.

This notice of removal is filed within the time period prescribed by 28 U.S.C. § 1446(b). Defendants CTS National Corporation ("CTS") and ACE American

Insurance Company ("Ace") were served on May 4, 2021; defendant Jose Alberto Cruz Adorno has not been served.

3.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit A. Defendants have no knowledge of any other process, pleadings, or orders filed or served in connection with this action, other than those attached hereto.

4.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

5.

There is complete diversity among the parties.

6.

Plaintiff is a citizen of Georgia. (Ex. B.)

7.

Jose Alberto Cruz Adorno is a citizen of Florida. (Compl. ¶ 1.)

8.

CTS is a Delaware corporation with its principal place of business at 101 West Prospect Avenue, Cleveland, Ohio 44115. (Compl. ¶ 2; Ex. C.) Accordingly, it is a

citizen of Delaware and Ohio for purposes of diversity jurisdiction. 28 U.S.C. § 1332(c)(1).

9.

ACE is a Pennsylvania corporation with its principal place of business at 436 Walnut Street, Philadelphia, Pennsylvania 19106. (Ex. D.) Accordingly, it is a citizen of Pennsylvania for purposes of diversity jurisdiction. 28 U.S.C. § 1332(c)(1).

10.

Defendants makes a plausible allegation that plaintiff is seeking recovery in an amount in excess of \$75,000, exclusive of interest and costs. *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 135 S. Ct. 547, 554 (2014). Specifically, plaintiff is seeking general and special damages for personal injuries, including medical expenses, lost wages, damages for past, present, and future mental and physical pain and suffering, and all other damages allowable under Georgia law. (Compl. ¶ 9 & prayer for relief.)

11.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact, is warranted by existing law, and is not interposed for any

improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this notice of removal having been filed, said action shall proceed in the United States District Court for the Middle District of Georgia, Macon Division, and no further proceedings shall be held in said case in the Superior Court of Peach County, Georgia.

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CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2021, I filed the foregoing *NOTICE OF REMOVAL* with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

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